



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

HB2638

Introduced 2/6/2025, by Rep. Martin McLaughlin

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/5.13 new  
225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Provides that, on or before July 1, 2026, the Department of Children and Family Services shall require each licensed day care center to maintain a video security system and maintain video surveillance of all public areas within the premises of the day care center, including, but not limited to, hallways, entrances, play areas, common rooms, and eating areas. Provides that video surveillance shall not take place in private areas within the day care center, including, but not limited to, bathrooms and changing areas. Provides that, if a video security system is deemed inadequate by the Department, the day care center shall have 30 days to correct the inadequacy. Provides that each licensed day care center must notify all parents of children attending the day care center that public areas are under video surveillance and must post a sign at the entrance of the day care center that informs visitors that the area is under video surveillance. Provides that the minimum standards for licensing shall require that each child care institution, maternity center, day care center, group home, day care home, and group day care home require that every staff member involved in the direct care of children be certified in first aid, in the Heimlich maneuver, and in cardiopulmonary resuscitation (rather than have on its premises during its hours of operation at least one staff member certified in first aid, in the Heimlich maneuver, and in cardiopulmonary resuscitation).

LRB104 03327 AAS 13349 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 and by adding Section 5.13 as follows:

6 (225 ILCS 10/5.13 new)

7 Sec. 5.13. Video surveillance.

8 (a) On or before July 1, 2026, the Department shall  
9 require each licensed day care center to maintain a video  
10 security system and maintain video surveillance of all public  
11 areas within the premises of the day care center, including,  
12 but not limited to, hallways, entrances, play areas, common  
13 rooms, and eating areas. Video surveillance shall not take  
14 place in private areas within the day care center, including,  
15 but not limited to, bathrooms and changing areas. If a video  
16 security system is deemed inadequate by the Department, the  
17 day care center shall have 30 days to correct the inadequacy.

18 (b) Each licensed day care center must notify all parents  
19 of children attending the day care center that public areas  
20 are under video surveillance and must post a sign at the  
21 entrance of the day care center that informs visitors that the  
22 area is under video surveillance.

1 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

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

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

19 (2) The character, suitability and qualifications of  
20 the applicant and other persons directly responsible for  
21 the care and welfare of children served. All child day  
22 care center licensees and employees who are required to  
23 report child abuse or neglect under the Abused and  
24 Neglected Child Reporting Act shall be required to attend  
25 training on recognizing child abuse and neglect, as  
26 prescribed by Department rules;

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

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

23           (5) The appropriateness, safety, cleanliness, and  
24 general adequacy of the premises, including maintenance of  
25 adequate fire prevention and health standards conforming  
26 to State laws and municipal codes to provide for the

1 physical comfort, care, and well-being of children  
2 received;

3 (6) Provisions for food, clothing, educational  
4 opportunities, program, equipment and individual supplies  
5 to assure the healthy physical, mental, and spiritual  
6 development of children served;

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

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

16 (9) Filing of reports with the Department;

17 (10) Discipline of children;

18 (11) Protection and fostering of the particular  
19 religious faith of the children served;

20 (12) Provisions prohibiting firearms on day care  
21 center premises except in the possession of peace  
22 officers;

23 (13) Provisions prohibiting handguns on day care home  
24 premises except in the possession of peace officers or  
25 other adults who must possess a handgun as a condition of  
26 employment and who reside on the premises of a day care

1 home;

2 (14) Provisions requiring that any firearm permitted  
3 on day care home premises, except handguns in the  
4 possession of peace officers, shall be kept in a  
5 disassembled state, without ammunition, in locked storage,  
6 inaccessible to children and that ammunition permitted on  
7 day care home premises shall be kept in locked storage  
8 separate from that of disassembled firearms, inaccessible  
9 to children;

10 (15) Provisions requiring notification of parents or  
11 guardians enrolling children at a day care home of the  
12 presence in the day care home of any firearms and  
13 ammunition and of the arrangements for the separate,  
14 locked storage of such firearms and ammunition;

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

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

26 By July 1, 2022, all licensed day care home providers,

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

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

19 (c) The Department shall investigate any person applying  
20 to be licensed as a foster parent to determine whether there is  
21 any evidence of current drug or alcohol abuse in the  
22 prospective foster family. The Department shall not license a  
23 person as a foster parent if drug or alcohol abuse has been  
24 identified in the foster family or if a reasonable suspicion  
25 of such abuse exists, except that the Department may grant a  
26 foster parent license to an applicant identified with an

1 alcohol or drug problem if the applicant has successfully  
2 participated in an alcohol or drug treatment program,  
3 self-help group, or other suitable activities and if the  
4 Department determines that the foster family home can provide  
5 a safe, appropriate environment and meet the physical and  
6 emotional needs of children.

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

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

1 representatives of the Department.

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

13 (g) The Department shall distribute to each licensee and  
14 holder of a permit copies of the licensing or permit standards  
15 applicable to such person's facility. Each licensee or holder  
16 of a permit shall make available by posting at all times in a  
17 common or otherwise accessible area a complete and current set  
18 of licensing standards in order that all employees of the  
19 facility may have unrestricted access to such standards. All  
20 employees of the facility shall have reviewed the standards  
21 and any subsequent changes. Each licensee or holder of a  
22 permit shall maintain appropriate documentation of the current  
23 review of licensing standards by all employees. Such records  
24 shall be part of the records of the facility and subject to  
25 inspection by authorized representatives of the Department.

26 (h) Any standards involving physical examinations,

1 immunization, or medical treatment shall include appropriate  
2 exemptions for children whose parents object thereto on the  
3 grounds that they conflict with the tenets and practices of a  
4 recognized church or religious organization, of which the  
5 parent is an adherent or member, and for children who should  
6 not be subjected to immunization for clinical reasons.

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

24 (j) Any standard adopted by the Department that requires  
25 an applicant for a license to operate a day care home to  
26 include a copy of a high school diploma or equivalent

1 certificate with the person's application shall be deemed to  
2 be satisfied if the applicant includes a copy of a high school  
3 diploma or equivalent certificate or a copy of a degree from an  
4 accredited institution of higher education or vocational  
5 institution or equivalent certificate.

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

7 (Text of Section after 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 (other  
11 than a day care center, day care home, or group day care home)  
12 and that are equally applicable to like institutions under the  
13 control of the Department and to foster family homes used by  
14 and under the direct supervision of the Department. The  
15 Department shall seek the advice and assistance of persons  
16 representative of the various types of child care facilities  
17 in establishing such standards. The standards prescribed and  
18 published under this Act take effect as provided in the  
19 Illinois Administrative Procedure Act, and are restricted to  
20 regulations pertaining to the following matters and to any  
21 rules and regulations required or permitted by any other  
22 Section of this Act:

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

25 (2) The character, suitability and qualifications of

1 the applicant and other persons directly responsible for  
2 the care and welfare of children served.;

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

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

24 (5) The appropriateness, safety, cleanliness, and  
25 general adequacy of the premises, including maintenance of  
26 adequate fire prevention and health standards conforming

1 to State laws and municipal codes to provide for the  
2 physical comfort, care, and well-being of children  
3 received;

4 (6) Provisions for food, clothing, educational  
5 opportunities, program, equipment and individual supplies  
6 to assure the healthy physical, mental, and spiritual  
7 development of children served;

8 (7) Provisions to safeguard the legal rights of  
9 children served;

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

16 (9) Filing of reports with the Department;

17 (10) Discipline of children;

18 (11) Protection and fostering of the particular  
19 religious faith of the children served;

20 (12) (Blank);

21 (13) (Blank);

22 (14) (Blank);

23 (15) (Blank);

24 (16) Provisions requiring all licensed child care  
25 facility employees who care for newborns and infants to  
26 complete training every 3 years on the nature of sudden

1 unexpected infant death (SUID), sudden infant death  
2 syndrome (SIDS), and the safe sleep recommendations of the  
3 American Academy of Pediatrics (other than employees of a  
4 day care center, day care home, or group day care home);  
5 and

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

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

21 (c) The Department shall investigate any person applying  
22 to be licensed as a foster parent to determine whether there is  
23 any evidence of current drug or alcohol abuse in the  
24 prospective foster family. The Department shall not license a  
25 person as a foster parent if drug or alcohol abuse has been  
26 identified in the foster family or if a reasonable suspicion

1 of such abuse exists, except that the Department may grant a  
2 foster parent license to an applicant identified with an  
3 alcohol or drug problem if the applicant has successfully  
4 participated in an alcohol or drug treatment program,  
5 self-help group, or other suitable activities and if the  
6 Department determines that the foster family home can provide  
7 a safe, appropriate environment and meet the physical and  
8 emotional needs of children.

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

23 (e) The Department shall distribute copies of licensing  
24 standards to all licensees and applicants for a license (other  
25 than licensees and applicants of a day care center, day care  
26 home, or group day care home). Each licensee or holder of a

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

8 (f) (Blank).

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

24 (h) Any standards (other than standards of a day care  
25 center, day care home, or group day care home) involving  
26 physical examinations, immunization, or medical treatment

1 shall include appropriate exemptions for children whose  
2 parents object thereto on the grounds that they conflict with  
3 the tenets and practices of a recognized church or religious  
4 organization, of which the parent is an adherent or member,  
5 and for children who should not be subjected to immunization  
6 for clinical reasons.

7 (i) (Blank).

8 (j) (Blank).

9 (Source: P.A. 102-4, eff. 4-27-21; 103-22, eff. 8-8-23;  
10 103-594, eff. 7-1-26.)

11 Section 95. No acceleration or delay. Where this Act makes  
12 changes in a statute that is represented in this Act by text  
13 that is not yet or no longer in effect (for example, a Section  
14 represented by multiple versions), the use of that text does  
15 not accelerate or delay the taking effect of (i) the changes  
16 made by this Act or (ii) provisions derived from any other  
17 Public Act.