

# SB2733



## 104TH GENERAL ASSEMBLY

### State of Illinois

2025 and 2026

SB2733

Introduced 10/28/2025, by Sen. Omar Aquino

#### SYNOPSIS AS INTRODUCED:

225 ILCS 10/3.8 new

Amends the Child Care Act of 1969. Provides that a licensed day care center shall not disclose or threaten to disclose to any other person, entity, or agency information regarding or relating to the actual or perceived citizenship or immigration status of a child or an associated person, unless disclosure is required by State or federal law. Provides that a licensed day care center shall not consent to entry to its premises by a law enforcement agent for immigration enforcement action unless the law enforcement agent provides valid identification and a signed judicial warrant or order or subpoena to enter the facility. Requires the Department of Children and Family Services or the Department of Early Childhood, as is applicable, to make available on its website specified resources for families. Provides that, if a child's parent or guardian directly faces immigration enforcement action, a licensed day care center shall use the child's emergency contact information and release the child to the persons designated as the child's emergency contacts or into the custody of an individual who presents a properly executed appointment of short-term guardian form on behalf of the child. Sets forth provisions requiring a licensed day care center to adopt certain policies concerning consent to disclosure. Establishes enforcement provisions for violations of disclosure provisions. Effective immediately.

LRB104 16073 AAS 29354 b

A BILL FOR

1 AN ACT concerning regulation.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Child Care Act of 1969 is amended by adding  
5 Section 3.8 as follows:

6 (225 ILCS 10/3.8 new)

7 Sec. 3.8. Licensed day care centers; immigration  
8 enforcement.

9 (a) As used in this Section:

10 "Civil immigration warrant" means any document that is not  
11 approved or ordered by a judge that can form the basis for an  
12 individual's arrest or detention for a civil immigration  
13 enforcement purpose. "Civil immigration warrant" includes Form  
14 I-200 "Warrant for the Arrest of Alien", Form I-203 "Order to  
15 Detain or Release Alien", Form I-205 "Warrant of  
16 Removal/Deportation", Form I-286 "Notice of Custody  
17 Determination", any predecessor or successor form, and all  
18 warrants, hits, or requests contained in the "Immigration  
19 Violator File" of the FBI's National Crime Information Center  
20 (NCIC) database. "Civil immigration warrant" does not include  
21 any criminal warrant.

22 "Immigration enforcement action" includes any arrests or  
23 detentions conducted by agents or officers of the United

1 States Department of Homeland Security, United States  
2 Immigration and Customs Enforcement, or United States Customs  
3 and Border Protection or any other individual or entity with  
4 the power to arrest or detain individuals or manage custody of  
5 detained individuals for the purposes of civil immigration  
6 enforcement.

7 "Law enforcement agent" means an agent of federal, State,  
8 or local law enforcement authorized with the power to arrest  
9 or detain individuals or manage the custody of detained  
10 individuals for a law enforcement purpose, including civil  
11 immigration enforcement.

12 (b) A licensed day care center shall not disclose or  
13 threaten to disclose to any other person, entity, or agency  
14 information regarding or relating to the actual or perceived  
15 citizenship or immigration status of a child or an associated  
16 person, unless disclosure is required by State or federal law.

17 (c) A licensed day care center shall not consent to entry  
18 to its premises by a law enforcement agent for immigration  
19 enforcement action unless the law enforcement agent provides  
20 valid identification and a signed judicial warrant or order or  
21 subpoena to enter the facility. The day care center director  
22 or the day care center director's designee shall request to  
23 review the judicial warrant or order or subpoena to ensure its  
24 validity before allowing entry. A licensed day care center  
25 shall not consent to entry to its premises by a law enforcement  
26 agent who provides no supporting documentation for entry or

1 presents only a civil immigration warrant. This subsection  
2 does not prohibit licensed day care centers from consenting to  
3 a law enforcement agent's entry to its premises for the  
4 purposes of hotline emergency calls or incidents arising out  
5 of mandated reporting.

6 (d) This Section does not affect a licensed day care  
7 center's obligation as a mandated reporter or to otherwise  
8 respond to instances of suspected crime on the premises.

9 (e) The Department of Children and Family Services or the  
10 Department of Early Childhood, as is applicable, shall make  
11 available on its website resources for families, including,  
12 but not limited to, resources regarding the constitutional  
13 rights of families, family preparedness plans, and a copy of  
14 the Department of Children and Family Services' appointment of  
15 short-term guardian form (Form CFS 444-2 or its predecessor or  
16 successor form).

17 (f) If a child's parent or guardian directly faces  
18 immigration enforcement action, a licensed day care center  
19 shall use the child's emergency contact information and  
20 release the child to the persons designated as the child's  
21 emergency contacts or into the custody of an individual who  
22 presents a properly executed appointment of short-term  
23 guardian form on behalf of the child.

24 (g) A licensed day care center shall adopt policies by  
25 January 1, 2026 to comply with this Section and shall ensure  
26 that all staff members are trained on the adopted policies.

1 The policies shall require the following:

2 (1) procedures for notifying and seeking written  
3 consent from a child's parents or guardian if a law  
4 enforcement agent requests access to personally  
5 identifiable information from the child's records, unless  
6 such access is in compliance with a judicial warrant or  
7 order or a subpoena that restricts the disclosure of the  
8 information to the child's parents or guardian;

9 (2) families enrolled at the licensed day care center  
10 to update their emergency contact list biannually; and

11 (3) notification to be given, within a reasonable time  
12 period, to parents or guardians and the Department if  
13 immigration enforcement action occurs at the licensed day  
14 care center or its environs.

15 A licensed day care center's late pick-up policy shall be  
16 updated to include the degree of diligence the licensed day  
17 care center will use to reach a child's emergency contacts,  
18 including the number of attempted phone calls to parents and  
19 emergency contacts and any requests for police assistance in  
20 finding a child's emergency contact.

21 (h) Failure to comply with subsection (b) of this Section  
22 shall result in a formal licensing violation. Failure to  
23 comply with any other provision of this Section may result in a  
24 licensing violation.

25 Section 99. Effective date. This Act takes effect upon  
26 becoming law.