**Section 406.8 General Requirements for Day Care Homes**

a) The physical facilities of the home, both indoors and outdoors, shall meet the following requirements for safety to children.

1) The home shall have a first aid kit consisting of adhesive bandages, scissors, thermometer, non-permeable gloves, Poison Control Center telephone number (1-800-222-1222 or 1-800-942-5969), sterile gauze pads, adhesive tape, tweezers and mild soap.

2) The kitchen shall be equipped with a readily accessible and operable fire extinguisher rated for Class A, B, and C fires and a flashlight in working order.

3) All electrical outlets that are in areas used by the day care children shall have protective coverings. There shall be no exposed or uninsulated wiring.

4) The home shall be equipped with a minimum of one approved smoke detector in operating condition on every floor level, including basements and occupied attics.

A) A smoke detector in operating condition shall be within each room where children nap or sleep. *The detector shall be installed on the ceiling and at least 6 inches from any wall, or on a wall located between 4 and 6 inches from the ceiling.* In addition, there shall be at least one detector at the beginning and end of each separate corridor or hallway 200 feet or more in length in any occupied story.

B) *In any facility constructed after December 31, 1987, or which undergoes substantial remodeling of its structure or wiring system after that date, the smoke detectors shall be permanently wired into the structure's AC power line, and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.* For purposes of this subsection (a)(4), "substantial remodeling" represents more than 15% of the replacement cost of the day care home. For homes that did not have wired installation of smoke detectors in each room prior to December 15, 2011, the Department may allow the installation of a battery-operated smoke detector in each room where children nap or sleep and deem the home to be in compliance.

C) *Compliance with any applicable federal, State or local law, rule or building code which requires the installation and maintenance of smoke detectors in a manner different from this Section, but providing a level of safety for occupants which is equal to or greater than that provided by this Section, shall be deemed to be compliance with this Section.* (Section 2 of the Facilities Requiring Smoke Detectors Act [425 ILCS 10/2])

D) For homes constructed after December 15, 2011, or that underwent substantial remodeling of structure or wiring systems after December 15, 2011, the smoke detectors shall be permanently wired into the structure's AC power line and, if more than one detector is required to be installed, the detectors shall be wired so that the activation of one detector will activate all the detectors in the facility unit.

5) Carbon Monoxide Detector

A) A home that has an attached garage and/or relies *on combustion of fossil fuel for heating, ventilation, or hot water shall be equipped with* a minimum of *one approved carbon monoxide detector in operating condition* *within 15 feet of rooms* where children nap or sleep.

B) *The carbon monoxide detector may be combined with smoke detector devices, provided that the combined unit complies with* subsection (a)(4) and this subsection (a)(5). [430 ILCS 135/10]

6) The home and indoor space shall be maintained in good repair and shall provide a safe, comfortable environment for the children.

7) A draft-free temperature of 65ºF to 75ºF shall be maintained during the winter months or heating season.  For infants and toddlers, a temperature of 68ºF to 82ºF shall be maintained during the summer or air-conditioning months. When the temperature in the home exceeds 78ºF, measures shall be taken to cool the children. Temperatures shall be measured at least 3 feet above the floor.

8) Fixed space heaters, fireplaces, radiators, and other heating sources in areas occupied by children shall be separated by partitions or a sturdy barrier to prevent contact. Portable space heaters may not be used in a day care home during the hours that child care is provided.

9) Facilities in which a wood-burning stove or fireplace has been installed and which is used during the hours that child care is provided shall provide a written plan of how the stove or fireplace will be used and what actions will be taken to ensure the children's safety when in use.

10) When the basement area may be used for child care, 2 exits shall be provided.

A) At least one exit shall be a basement exit via a door directly to the outside (without traversing any other level of the home) or a protected exit from a basement via a door or stairway that allows unobstructed travel directly to the outside of the building at street or ground level. The stairway may not be more than 8 feet high.

B) A second exit may be a window.

i) The window shall be operable from the inside without the use of tools and provide a clear opening not less than 20 inches in width, 24 inches in height, and 5.7 square feet in area.

ii) If the window is used as a second exit, the bottom of the window opening shall be no more than 44 inches above the floor.

iii) When the bottom of the window opening used as a second exit is greater than 24 inches above the floor, there shall be a permanently affixed, sturdy ramp or stairs located below the window to allow speedy access in the event of an emergency.

C) If the basement area does not meet the requirements in subsections (a)(10)(A) and (B), the basement may be used for child care only with the prior written approval of OSFM.

11) All walls and surfaces shall be maintained free from lead paint and from chipped or peeling paint.

12) Walls of rooms that children use shall be free of carpeting, fabric or plastic products. Inflammable or combustible artwork attached to the walls shall not exceed 20% of any wall area.

13) Furniture and equipment shall be kept in safe repair.

14) First aid supplies, medication, cleaning materials, poisons, sharp scissors, plastic bags, sharp knives, cigarettes, matches, lighters, flammable liquids, and other hazardous materials shall be stored in places inaccessible to children. Hazardous items for infants and toddlers also include items that can cause choking, including but not limited to: coins, balloons, safety pins, marbles, Styrofoam™ and similar products, and sponge, soft rubber or soft plastic toys that can be bitten or broken into small pieces.

15) Tools and gardening equipment shall be stored in locked cabinets, if possible, or in places inaccessible to all children.

16) An operable telephone shall be available on the premises of the licensee. The number of the Poison Control Center (1-800-222-1222 or 1‑800-942-5969) and other emergency numbers shall be posted in an area that is readily available in an emergency.

17) *Handguns are prohibited on the premises of the day care home except in the possession of peace officers or other adults who must possess a handgun as a condition of employment and who reside in the day care home.* The licensee shall post a "no firearms" sign, as described in Section 65(d) of the Firearm Concealed Carry Act [430 ILCS 66/65(d)], in a visible location where parents pick up children.

18) *Any firearm, other than a handgun in the possession of a peace officer or other person as provided* in subsection (a)(17)*, shall be kept in a disassembled state, without ammunition, in locked storage in a closet, cabinet, or other locked storage facility inaccessible to children.*

A) *Ammunition for such* *firearms* *shall be kept in locked storage separate from that of the disassembled* *firearms*, *inaccessible to children.*

B) *The operator of the home shall notify the* *parents* *or guardian of any child accepted for care that firearms and ammunition are stored on the premises. The operator shall also notify the* *parents* *or guardian that such firearms and ammunition are locked in storage inaccessible to children.* (Section 7 of the Child Care Act of 1969 [225 ILCS 10/7]) The notification need not disclose the location where the firearms and ammunition are stored.

19) Written emergency preparedness plans shall be developed and shall specify the actions to be taken in the event of a fire, tornado or other emergency. Caregivers and assistants in the home shall be familiar with these plans. The emergency preparedness plans shall include, but are not limited to:

A) A fire evacuation plan identifying exits from each area used for child care and specifying the evacuation route;

B) A fire evacuation plan identifying a safe assembly area outside of the home. It shall also identify a nearby indoor location for post-evacuation holding if needed;

C) A fire evacuation plan requiring that the home be evacuated immediately and the children's safety insured before calling the local emergency number 911 or attempting to combat the fire;

D) A tornado plan specifying actions that will be taken in the event of tornado or other severe weather warning, including designation of those areas of the home to be used as safe spots;

E) Specific procedures for notifying parents if evacuation is necessary and how they will be reunited with their children;

F) Specific procedures for evacuating children who are less than 30 months of age and/or for evacuating special needs children when applicable;

G) Monthly fire drills to be conducted for the purpose of removing children from the home as quickly as possible; and

H) Monthly tornado drills to be conducted for the purpose of getting children accustomed to moving to a position of safety in the event of a tornado.

20) The licensee shall hold monthly fire safety inspections of the day care home and maintain documentation on file for a period of 1 year.

21) Fire and tornado drills shall be documented and that documentation shall be maintained on file for a period of 3 years.

22) Escape routes from the home shall be designed and maintained for swift and safe exiting in the event of an emergency.

A) All corridors and escape routes from the home shall be kept clear of obstructions.

B) Dead-end paths or corridors within the home shall be a maximum of 20 feet in length.

C) All escape routes from the home shall have operable lighting. The lighting shall be activated during any hours of operation when natural lighting is reduced to a level that prohibits visibility within the escape route.

D) Bathroom doors in areas accessible to day care children shall allow a caregiver to open the door from outside of the bathroom if necessary.

E) All closet doors accessible to children shall be able to be opened from inside of the closet without the use of a key.

F) There shall be no more than 2 releasing devices (door knobs, hand-operated deadbolts, thumb-turn locks, etc.) on any exit door or exit window.

G) Exit doors and exit windows shall be operable without the use of a key, a tool or special knowledge to open for exit to the outsid

H) Exit doors and exit windows shall be kept clear of equipment and debris at all times.

23) The licensee shall inspect the home daily, prior to arrival of children, ensuring that escape routes are clear and that exit doors and exit windows are operable. A log of these daily inspections shall be maintained for at least one year, and shall be available for review. The log shall reflect, at minimum, the date and time of each inspection and the full name of the person who conducted it.

24) All in-ground swimming pools located in areas accessible to children shall be fenced. The fence shall be at least 5 feet in height and secured by a locked gate. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

25) All above-ground pools shall have non-climbable sidewalls that are at least 4 feet high or shall be enclosed with a 5 foot fence that is at least 36 inches away from the pool's side wall and secured with a locked gate. When the pool is not in use, steps shall be removed from the pool or otherwise protected to insure the pool cannot be accessed. Day care homes that have a license or a permit on April 1, 2001 and are in compliance with the requirement for a 3½ foot fence shall be considered in compliance with the fence requirement.

26) Portable wading pools shall be emptied daily and disinfected before being air-dried.

27) All hot tubs shall have securely locked covers or otherwise be inaccessible to children.

28) Free hanging cords on blinds, shades and drapes shall be tied or otherwise kept out of reach of children.

29) Effective January 1, 2013, the home shall be tested for radon at least once every 3 years. The most current radon measurements shall be posted next to the license in the home, on a form provided by the Department, containing the required informative statement from Section 5.8(d) of the Child Care Act of 1969 [225 ILCS 10].

b) The kitchen shall be clean, equipped for the preservation, storage, preparation and serving of food, and reasonably safe from hazards.

c) Garbage and refuse containers used to discard diapering supplies, food products or disposable meal service supplies in areas for child care shall be disinfected daily unless plastic liners are used and disposed of daily.

d) A safe and sanitary water supply shall be maintained. If a private water supply is used instead of an approved public water supply, the applicant shall supply written records of current test results indicating the water supply is safe for drinking. New test results must be provided prior to renewal of license. If nitrate content exceeds 10 ppm, bottled water must be used for children under 15 months of age.

e) Any day care home currently licensed as of January 1, 2019 shall submit a survey provided by its day care licensing office that includes the construction date of the home. The construction date for new day care home applicants is captured on the CFS 597-DCI form.

f) Any day care home serving children under 6 years of age and housed in a building constructed on or before January 1, 2000 shall be subject to lead in water testing by an IEPA laboratory or an IEPA-certified laboratory. A current list of certified laboratories can be obtained by contacting the Day Care Information Line at 1-877-746-0829, or can be accessed online through https://sunshine.dcfs.illinois.gov/ Content/Licensing/LeadTesting.aspx. Water sampling guidelines followed by certified laboratories may also be accessed through this link. Test results and mitigation plans, when required, shall be submitted to the local licensing office within 120 days after notification of test results of 2.01 ppb or above.

1) All lead in water test results (at, above or below 2.01 ppb) shall be posted in the home in a visible location and submitted by the applicant or licensee directly to his or her local licensing office.

2) A mitigation plan shall be made available to parents and submitted to the local licensing office if test results indicate the presence of lead for each drinking water source with a result of 2.01 ppb or above and shall specify:

A) Interim measures the applicant/licensee will take to ensure a safe drinking water supply during mitigation;

B) Mitigation plan start and planned completion dates;

C) Retesting dates, to include one test to occur no later than six months following the completion of a mitigation plan and a second test no later than one year after the completion of a mitigation plan;

D) Each drinking water source that tested at 2.01 ppb or higher and the planned mitigation activity for each source. Examples of acceptable mitigation strategies include, but are not limited to, installation of mechanical flushing devices, replacement of lead-based lines or fixtures, or reverse osmosis filters installed at affected drinking water fixtures; and

E) In extenuating circumstances in which mitigation cannot be readily undertaken (e.g., lead in the municipal water source), alternative external sources of water that tests below 2.01 ppb, such as bottled water with that test result, may be used subject to Department approval.

3) Following successful mitigation that results in two consecutive tests of lower than 2.01 ppb, further testing is only required if there has been any change to the water profile of the building, including, but not limited to, replacement of the hot water heater, change in the water source, or change to, or replacement of, the water service lines.

4) The Department reserves the right to require testing upon suspicion of the day care home misrepresenting the construction date of the building, submitting false or altered testing results, failing to follow mitigation remedies, or committing other actions that may compromise the health and welfare of children. Any day care home that fails to insure testing and reasonable mitigation actions when necessary may be subject to enforcement action, up to and including revocation of, or refusal to renew, the license.

g) Hot and cold running water shall be provided. When children under age 10 or who are developmentally disabled are cared for, the maximum hot water temperature from all faucets of sinks designated for children washing hands shall be no more than 115º Fahrenheit. Caregivers shall always test the hot water before allowing children less than 5 years of age to use the water.

h) Insect and rodent control shall be maintained.

1) All outside doors except those with operable self-closing devices, operable windows, and other openings used for ventilation shall be screened.

2) Chemicals for insect and rodent control shall be applied in minimum amounts and shall not be used when children are present. Over-the-counter products may be used only according to package instructions. Commercial chemicals, if used, shall be applied by a licensed pest control operator and shall meet all standards of the Department of Public Health (Structural Pest Control Code, 77 Ill. Adm. Code 830). A record of any pesticides used shall be maintained.

i) Healthy household pets that present no danger to children are permitted.

1) A licensed veterinarian shall certify that the animals are free of diseases that could endanger the children's health and that dogs and cats have been inoculated for rabies.

2) If certification is not available, animals shall be confined at all times in an area inaccessible to children.

3) There shall be careful supervision of children who are permitted to handle and care for the animals.

4) Immediate treatment shall be available to any child who is bitten or scratched by an animal.

5) The presence of monkeys, ferrets, turtles, iguanas, psittacine birds (birds of the parrot family) or any wild or dangerous animal is prohibited in areas accessible to children during the hours the day care home is in operation. Wild and dangerous animals include, but are not limited to, venomous and constricting snakes, undomesticated cats and dogs, raccoons, and other animals determined to be dangerous by local public health authorities.

j) Indoor space shall consist of a clean, comfortable environment for children.

1) The day care home shall be well-ventilated, free from observable hazards, properly lighted and heated, and free of fire hazards.

2) The dwelling shall be kept clean, sanitary, and in good repair.

3) There shall be provision for isolating a child who becomes ill or who is suspected of having a contagious disease.

4) When used for child care, floors shall have protective covering such as, but not limited to, tile, carpet or linoleum. Paint or sealer alone is not acceptable as a protective covering.

5) When children under 30 months of age are in care, stairs leading to second levels, attics or basements shall be fitted with a sturdy gate, door or other barrier to prevent the children's access to stairs without adult supervision. Such a barrier shall be moveable enough so as not to impede evacuation, if necessary.

k) The licensee shall identify those areas in the home used for child care. The identified areas minus any special use areas shall be measured to calculate the square footage available for child care. When the licensed capacity of the home exceeds 8 children, there shall be:

1) A minimum of 35 square feet of floor space per each child in care; and

2) An additional 20 square feet of floor space for each child under 30 months of age when the play area is the same as the sleep area. However, if portable bedding is used for napping, then removed, the licensing representative shall approve the use of only 35 square feet of space for each child if the applicant/licensee has adequate storage for the bedding materials and the bedding materials are removed before and after naptime.

l) *No person may smoke tobacco in any area of the day care home in which day care services are being provided to children, while those children are present* on the premises. In addition, no person may smoke tobacco while providing transportation, in either an open or enclosed motor vehicle, to children who are receiving child care services. *Nothing in this subsection prohibits smoking in the home in the presence of a person's own children or in the presence of children to whom day care services are not then being provided.* [225 ILCS 10/5.5]

m) There shall be safe outdoor space for active play.

1) Space shall be provided for play in yards, nearby parks or playgrounds under adult supervision.

2) Space shall be protected by physical means (e.g., fence, tree line, chairs, ropes, etc.) against all water hazards, including, but not limited to, pools, ponds, standing water, ornamental bodies of water, and retention ponds, regardless of the depth of the water, and by adult caregiver supervision at times when children in care are present. Other hazards, such as, but not limited to, heavy traffic and construction, shall be inaccessible to children in care through a physical barrier and adult supervision.

3) Play areas shall be well drained and safely maintained.

4) All pieces of outdoor equipment used by children 5 years of age and younger on the day care home premises that is purchased or installed on or after April 1, 2001 shall meet the following standards to guard against entrapment or situations that may cause strangulation.

A) Openings in exercise rings shall be smaller than 4½ inches or larger than 9 inches in diameter.

B) There shall be no openings in a play structure with a dimension between 3½ inches and 9 inches (except for exercise rings). Side railings, stairs and other locations that a child might slip or climb through shall be checked for appropriate dimensions.

C) Distances between vertical slats or poles, where used, must be 3½ inches or less (to prevent head entrapment).

D) No opening shall form an angle of less than 55 degrees unless one leg of the angle is horizontal or slopes downward.

E) No openings shall be between ⅜ inch and one inch in size (to prevent finger entrapment).

5) The use of a trampoline by children in care is prohibited.

6) Children shall be closely supervised by the caregiver when public parks or playgrounds are used for play, during play and while traveling to and from the area.

7) Supervision shall be provided during outdoor play by caregivers who meet the requirements of Section 406.9.

n) Operation of other business on the premises must not interfere with the care of children.

o) A day care home may not house bedridden or chronically ill persons except by permission of the supervising agency. The supervising agency shall grant such permission unless the person has a contagious or a reportable communicable disease or requires care that adversely affects the ability of the caregiver to supervise children.

p) A day care home shall have certification that all cribs used by the home meet or exceed the federal safety standards in 16 CFR 1219 or 1220 (2011). This certification from the manufacturer shall be available for inspection by the licensing representative. In the absence of a manufacturer's certificate, proof that the crib was manufactured on or after June 28, 2011 will meet the required standard.

(Source: Amended at 43 Ill. Reg. 187, effective January 1, 2019)