**Section 406.12 Enrollment and Discharge Procedures**

a) No child served in a day care home shall remain on the premises for more than 12 hours in any 24-hour period, unless the parent's employment schedule requires more than 12 hours of day care. Regardless of the parent's work or training schedule, at no time shall children cared for in a day care facility remain on the premises for more than 18 consecutive hours.

b) Prior to acceptance of a child for care:

1) The caregiver shall require that the parent accompany the child to the home to become acquainted with the caregiver and with the service to be provided.

2) No child under 6 years of age may be admitted to the day care home unless the health examination, complete with lead risk assessment if the child resides in an area defined as low risk by the Department of Public Health, or a screening for lead poisoning if the child resides in an area defined as high risk by DPH (see 77 Ill. Adm. Code 845 (Lead Poisoning Prevention Code)), has been completed as required by DPH rules at 77 Ill. Adm. Code 665 (Child Health Examination Code).

3) The caregiver shall require that the parent provide a certified copy of the child's birth certificate. The caregiver:

A) Shall provide a written notice to the parent of a child to be *enrolled for the first time that within 30 days* after enrollmentthe parent shall *provide a certified copy of the child's birth certificate or other reliable proof of identity and age of the child*.

i) The caregiver shall promptly make a copy of the certified copy and return the original certified copy to the parent.

ii) If a certified copy of the birth certificate is not available, the parent must submit *a passport, visa or other governmental documentation as proof of the child's identity and age* and *an affidavit* or notarized letter *explaining the inability to produce a certified copy of the birth certificate* [325 ILCS 50/5]*.*

iii) The notice to parent shall also indicate that the caregiver is required by law to notify the Illinois State Police or local law enforcement agency if the parent fails to submit proof of the child's identity within the 30 day time frame;

B) Shall notify the Illinois State Police or local law enforcement agency of the parent's or guardian's failure to submit a certified copy of the child's birth certificate or other reliable proof of identity. The caregiver shall also *notify the parent in writing that the* Illinois State Police or *local law enforcement* has been notified as required by law and that the parent *has 10 additional days to comply* by submitting the required documentation; [325 ILCS 50/5]

C) *Shall report to the* Illinois State Police or local law enforcement agency *any affidavit received which appears inaccurate or suspicious in form or content;* [325 ILCS 50/5]

D) *Shall flag the record of* a child enrolled at the day care who is reported by the Illinois State Police as a missing person, and *shall immediately report to the* Illinois State Police *any request concerning flagged records or knowledge as to the whereabouts of any missing* child. [325 ILCS 50/5]

c) The parents shall be permitted to visit the home, without prior notice, during the hours their children are in care.

d) A child shall be discharged from the facility only to the child's parents or to a person designated in writing by the parents to receive the child.

e) The caregiver shall refuse to release a child to any person, whether related or unrelated to the child, who has not been authorized in writing by the parents to receive the child. Persons not known to the caregiver shall be required to provide a driver's license (with photo) or photo identification card issued by the Illinois Secretary of State to establish their identity prior to a child's release to them.

f) The facility shall maintain a list of persons designated, in writing, by the parents, or guardian to whom the facility can be expected to discharge the child at least once per week. These persons, in addition to the parents, shall constitute the primary list of persons to whom the child may be released. In addition, the facility shall maintain a contingency list of persons, designated in writing by the parents, to whom the child may be released less frequently than once per week. When the child is released to a person on the contingency list, the facility shall maintain a record of the person to whom the child was released, the date and time that the child was released, and the manner that the child left the facility (whether on foot, by passenger car, by taxicab, or by other means of transportation).

g) Other discharge provisions of this Section notwithstanding, a child leaving the day care home to attend school shall be released in accordance with the written authorization of the parents. The authorization shall include the time that the child is to be released and the means of transportation the child is to use.

h) All day care homes shall have a written policy that explains the actions the provider will take if a parent does not retrieve, or arrange to have someone retrieve, his or her child at the designated, agreed upon time. The policy shall consist of the provider's expectations, clearly presented to the parent, in the form of a written agreement that shall be signed by the parent, and shall include at least the following elements:

1) The consequences of not picking up the child on time, including:

A) Amount of late fee, if any, and when those fees begin to accrue;

B) The degree of diligence the provider will use to reach emergency contacts, e.g., number of attempted phone calls to parents and emergency contacts, requests for police assistance in finding emergency contacts; and

C) Length of time the facility will keep the child beyond the pick-up time before contacting outside authorities, such as the child abuse hotline or police.

2) Emphasis on the importance of having up-to-date emergency contact numbers on file.

3) Acknowledgement of the provider's responsibility for the child's protection and well-being until the parent or outside authorities arrive.

4) A reminder to the day care provider that the child is not responsible for the situation. All discussions regarding these situations shall be with the parent, never the child.

i) The daily list of children in care shall be readily accessible in case of emergency evacuations and fire drills.

j) All day care homes providing care to infants, toddlers or preschool age children shall maintain, and notify parents of, written behavior support and transition policies, in compliance with 23 Ill. Adm. Code 235.320 (Behavior Support Plans).

k) Providers of child care to infants or preschool age children shall maintain documentation regarding:

1) Steps taken to ensure that the child can participate safely in the program, in accordance with the plan and program transition policy.

2) This shall include attempts to utilize qualified professional resources, including when parental consent is attempted and whether it is obtained. Early intervention services received by children shall be documented in the behavior support plan. Providers shall also document whether children are evaluated by the Early Intervention Program and/or the school district, and with regard to those children evaluated, whether they are found eligible or ineligible to receive services

l) Providers shall communicate with parents for several reasons, including to better understand the child's strengths and needs, and to share any initial/ongoing observations by provider or staff of challenging behaviors.

m) Infants, toddlers and preschool age children who, after documented attempts have been made to meet the child's individual needs, demonstrate inability to benefit from the type of care offered by the day care home, or whose presence is detrimental to the group, shall be transitioned to a different program.

n) For infants, toddlers and preschool age children, in all instances when a licensee decides that it is in the best interest of the child to transition to a different program, the child's and parents' needs shall be considered by planning with the parents to identify the new program and working with the parents and pending program on a transition plan designed to ensure continuity of services to meet the child's needs. Licensees shall adhere to the following requirements regarding program transition plans:

1) All day care homes shall have written transition policies that outline:

A) Circumstances in which children may transition out of the program; and

B) What the transition process entails;

2) Providers shall notify the Department of transition plans;

3) Nothing shall preclude a parent's or legal guardian's right to withdraw his or her child from a day care home. A written statement from the parent or guardian shall be requested by the provider and kept on file stating the reason for the decision to withdraw the child; and

4) If parents/guardians are unable to provide a letter, the licensee shall maintain documentation that includes the requestor's name and relationship to the child, along with the withdrawal date. The licensee must also sign and date the documentation.

o) Providers shall collect, and report annually to the Illinois State Board of Education, information on children transitioning out of the day care home, in compliance with 23 Ill. Adm. Code 235.340 (Reporting).

(Source: Amended at 44 Ill. Reg. 16116, effective September 18, 2020)