**Section 408.65 Number and Ages of Children Served**

Appendix H includes a chart of the number and ages of children who can be served.

a) A Caregiver Alone

1) The maximum number of children under the age of 12 cared for in a group day care home by a caregiver alone shall be 8 except when all the children are school age. The maximum number includes the caregiver's own children, related children and unrelated children under age 12 living in the home. When determining capacity, the home must meet square footage requirements listed in Section 408.30(c).

2) A caregiver alone may care for children in accordance with the following age groupings:

A) A mixed age group consisting of:

i) Up to 8 children under 12 years of age, of which

ii) Up to 5 children may be under 5 years of age, of which

iii) Up to 3 children may be under 24 months of age; or

B) A mixed age group consisting of:

i) Up to 8 children under 12 years of age, of which

ii) Up to 6 children may be under 5 years of age, of which

iii) Up to 2 children may be under 30 months of age; or

C) Up to 8 pre-school children if no child is under age 3; or

D) Up to 12 school age children as defined by Section 408.5.

b) A Caregiver and an Assistant 18 Years of Age or Older

The maximum number of children under the age of 12 cared for in a group day care home by a caregiver and one assistant 18 years of age or older who meets the qualifications listed in Section 408.50 shall be 12. The maximum number includes the licensee's own children, related children and unrelated children under age 12 living in the home. When determining capacity, the home must meet square footage requirements listed in Section 408.30(c). The caregiver and assistant 18 years of age or older may care for children in accordance with the following age groupings:

1) 12 children between 3 and 6 years of age. The assistant must be present when more than 8 such children are present; or

2) A mixed age group consisting of:

A) No more than 12 children under 12 years of age of which

B) No more than 6 children may be under 30 months of age, of which

C) No more than 4 children may be under 15 months of age.

c) Extended Capacity

A caregiver and two assistants who meet the qualifications in Section 408.50 may care for four additional children, for a total capacity of up to 16 children. When determining capacity, the home must meet square footage requirements listed in Section 408.30(c). The caregiver and two assistants may care for children in accordance with the following age groupings:

1) A caregiver and two assistants shall be present at all times when there are more than 12 children in the home.

2) When a caregiver, a full-time assistant (age 18 and older), and a part-time assistant (as described in Section 408.50 (b)) are present, care may be provided for four additional school-age children. The care of school-age children is limited to children who attend school full-time, before and/or after school, when school is not in session, and when the provider's own school-age children come home sick.

3) Through July 1, 2025, when a caregiver and two adult assistants (age 18 and older) who meet the requirements listed in Section 408.50 are present, care may be provided for two additional children who are 30 months of age or older, as well as two additional children who are attending school full-time.

A) The care of school-age children is limited to those times listed in Section 408.65(c)(2).

B) Both adult assistants shall be present at all times when providing care for two additional children who are 30 months of age or older.

4) When a licensee or permit holder has been granted the extended capacity of four additional children in writing, the licensee's own full-time school-age children shall be counted in the additional school-age children when there are more than 12 children in care, and two qualified assistants are present.

5) The total capacity of the group home with an approved extended capacity shall not exceed 16 children.

d) The maximum number of children receiving night care shall be 12 children and groupings shall be consistent with subsections (a) and (b).

e) In the event of a brief unforeseen school closing, the licensee may accept one additional school-age child and still be considered in compliance with the capacity requirements, as long as the total number of children under age 12 in the home does not exceed the maximum of 16 children. The licensee shall maintain a record of the dates, names and ages of the children for whom this care was provided.

f) When acceptance of siblings of children who are already in care will place the licensee out of compliance with the established age groupings, the licensee may develop a transition plan that shall be submitted to the licensing representative for review and approval. The plan may be approved when:

1) The licensee is not currently operating under a transition plan and is in full compliance with all the licensing standards;

2) At least one of the siblings has been in care for 30 days or more; and

3) The transition plan will bring the home back into compliance with the established age groupings within 6 months after the date the plan is approved.

(Source: Amended at 48 Ill. Reg. 5963, effective April 3, 2024)