

HB4524



103RD GENERAL ASSEMBLY

State of Illinois

2023 and 2024

HB4524

Introduced 1/31/2024, by Rep. Suzanne M. Ness

SYNOPSIS AS INTRODUCED:

225 ILCS 10/4

from Ch. 23, par. 2214

Amends the Child Care Act of 1969. Removes a requirement that the Department of Children and Family Services notify the public when a child care institution, maternity center, or group home licensed by the Department undergoes a change in the area within the facility used by children or a change in the age of children served.

LRB103 35710 SPS 65788 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
5 changing Section 4 as follows:

6 (225 ILCS 10/4) (from Ch. 23, par. 2214)

7 Sec. 4. License requirement; application; notice.

8 (a) Any person, group of persons or corporation who or
9 which receives children or arranges for care or placement of
10 one or more children unrelated to the operator must apply for a
11 license to operate one of the types of facilities defined in
12 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
13 relative, as defined in Section 2.17 of this Act, who receives
14 a child or children for placement by the Department on a
15 full-time basis may apply for a license to operate a foster
16 family home as defined in Section 2.17 of this Act.

17 (a-5) Any agency, person, group of persons, association,
18 organization, corporation, institution, center, or group
19 providing adoption services must be licensed by the Department
20 as a child welfare agency as defined in Section 2.08 of this
21 Act. "Providing adoption services" as used in this Act,
22 includes facilitating or engaging in adoption services.

23 (b) Application for a license to operate a child care

1 facility must be made to the Department in the manner and on
2 forms prescribed by it. An application to operate a foster
3 family home shall include, at a minimum: a completed written
4 form; written authorization by the applicant and all adult
5 members of the applicant's household to conduct a criminal
6 background investigation; medical evidence in the form of a
7 medical report, on forms prescribed by the Department, that
8 the applicant and all members of the household are free from
9 communicable diseases or physical and mental conditions that
10 affect their ability to provide care for the child or
11 children; the names and addresses of at least 3 persons not
12 related to the applicant who can attest to the applicant's
13 moral character; the name and address of at least one relative
14 who can attest to the applicant's capability to care for the
15 child or children; and fingerprints submitted by the applicant
16 and all adult members of the applicant's household.

17 (b-5) Prior to submitting an application for a foster
18 family home license, a quality of care concerns applicant as
19 defined in Section 2.22a of this Act must submit a preliminary
20 application to the Department in the manner and on forms
21 prescribed by it. The Department shall explain to the quality
22 of care concerns applicant the grounds for requiring a
23 preliminary application. The preliminary application shall
24 include a list of (i) all children placed in the home by the
25 Department who were removed by the Department for reasons
26 other than returning to a parent and the circumstances under

1 which they were removed and (ii) all children placed by the
2 Department who were subsequently adopted by or placed in the
3 private guardianship of the quality of care concerns applicant
4 who are currently under 18 and who no longer reside in the home
5 and the reasons why they no longer reside in the home. The
6 preliminary application shall also include, if the quality of
7 care concerns applicant chooses to submit, (1) a response to
8 the quality of care concerns, including any reason the
9 concerns are invalid, have been addressed or ameliorated, or
10 no longer apply and (2) affirmative documentation
11 demonstrating that the quality of care concerns applicant's
12 home does not pose a risk to children and that the family will
13 be able to meet the physical and emotional needs of children.
14 The Department shall verify the information in the preliminary
15 application and review (i) information regarding any prior
16 licensing complaints, (ii) information regarding any prior
17 child abuse or neglect investigations, (iii) information
18 regarding any involuntary foster home holds placed on the home
19 by the Department, and (iv) information regarding all child
20 exit interviews, as provided in Section 5.26 of the Children
21 and Family Services Act, regarding the home. Foster home
22 applicants with quality of care concerns are presumed
23 unsuitable for future licensure.

24 Notwithstanding the provisions of this subsection (b-5),
25 the Department may make an exception and issue a foster family
26 license to a quality of care concerns applicant if the

1 Department is satisfied that the foster family home does not
2 pose a risk to children and that the foster family will be able
3 to meet the physical and emotional needs of children. In
4 making this determination, the Department must obtain and
5 carefully review all relevant documents and shall obtain
6 consultation from its Clinical Division as appropriate and as
7 prescribed by Department rule and procedure. The Department
8 has the authority to deny a preliminary application based on
9 the record of quality of care concerns of the foster family
10 home. In the alternative, the Department may (i) approve the
11 preliminary application, (ii) approve the preliminary
12 application subject to obtaining additional information or
13 assessments, or (iii) approve the preliminary application for
14 purposes of placing a particular child or children only in the
15 foster family home. If the Department approves a preliminary
16 application, the foster family shall submit an application for
17 licensure as described in subsection (b) of this Section. The
18 Department shall notify the quality of care concerns applicant
19 of its decision and the basis for its decision in writing.

20 (c) The Department shall notify the public when a child
21 care institution, maternity center, or group home licensed by
22 the Department undergoes a change in (i) the range of care or
23 services offered at the facility or ~~7~~ (ii) the ~~age or~~ type of
24 children served, ~~or (iii) the area within the facility used by~~
25 ~~children~~. The Department shall notify the public of the change
26 in a newspaper of general circulation in the county or

1 municipality in which the applicant's facility is or is
2 proposed to be located.

3 (d) If, upon examination of the facility and investigation
4 of persons responsible for care of children and, in the case of
5 a foster home, taking into account information obtained for
6 purposes of evaluating a preliminary application, if
7 applicable, the Department is satisfied that the facility and
8 responsible persons reasonably meet standards prescribed for
9 the type of facility for which application is made, it shall
10 issue a license in proper form, designating on that license
11 the type of child care facility and, except for a child welfare
12 agency, the number of children to be served at any one time.

13 (e) The Department shall not issue or renew the license of
14 any child welfare agency providing adoption services, unless
15 the agency (i) is officially recognized by the United States
16 Internal Revenue Service as a tax-exempt organization
17 described in Section 501(c)(3) of the Internal Revenue Code of
18 1986 (or any successor provision of federal tax law) and (ii)
19 is in compliance with all of the standards necessary to
20 maintain its status as an organization described in Section
21 501(c)(3) of the Internal Revenue Code of 1986 (or any
22 successor provision of federal tax law). The Department shall
23 grant a grace period of 24 months from the effective date of
24 this amendatory Act of the 94th General Assembly for existing
25 child welfare agencies providing adoption services to obtain
26 501(c)(3) status. The Department shall permit an existing

1 child welfare agency that converts from its current structure
2 in order to be recognized as a 501(c)(3) organization as
3 required by this Section to either retain its current license
4 or transfer its current license to a newly formed entity, if
5 the creation of a new entity is required in order to comply
6 with this Section, provided that the child welfare agency
7 demonstrates that it continues to meet all other licensing
8 requirements and that the principal officers and directors and
9 programs of the converted child welfare agency or newly
10 organized child welfare agency are substantially the same as
11 the original. The Department shall have the sole discretion to
12 grant a one year extension to any agency unable to obtain
13 501(c)(3) status within the timeframe specified in this
14 subsection (e), provided that such agency has filed an
15 application for 501(c)(3) status with the Internal Revenue
16 Service within the 2-year timeframe specified in this
17 subsection (e).

18 (Source: P.A. 101-63, eff. 7-12-19; 102-763, eff. 1-1-23.)