



96TH GENERAL ASSEMBLY

State of Illinois

2009 and 2010

HB2318

Introduced 2/18/2009, by Rep. Kevin A. McCarthy

SYNOPSIS AS INTRODUCED:

225 ILCS 10/7

from Ch. 23, par. 2217

Amends the Child Care Act of 1969. Requires the Department of Children and Family Services, in cooperation with the Department of Human Services, to publish on the Department of Children and Family Services' website information about the benefits of annual immunization against influenza for children 6 months of age to 5 years of age. Provides that the Department of Children and Family Services shall work with licensed day care centers and day care homes to ensure that the information is annually distributed to parents in August or September. Effective immediately.

LRB096 08665 ASK 18789 b

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 7 as follows:

6 (225 ILCS 10/7) (from Ch. 23, par. 2217)

7 Sec. 7. (a) The Department must prescribe and publish
8 minimum standards for licensing that apply to the various types
9 of facilities for child care defined in this Act and that are
10 equally applicable to like institutions under the control of
11 the Department and to foster family homes used by and under the
12 direct supervision of the Department. The Department shall seek
13 the advice and assistance of persons representative of the
14 various types of child care facilities in establishing such
15 standards. The standards prescribed and published under this
16 Act take effect as provided in the Illinois Administrative
17 Procedure Act, and are restricted to regulations pertaining to
18 the following matters and to any rules and regulations required
19 or permitted by any other Section of this Act:

20 (1) The operation and conduct of the facility and
21 responsibility it assumes for child care;

22 (2) The character, suitability and qualifications of
23 the applicant and other persons directly responsible for

1 the care and welfare of children served. All child day care
2 center licensees and employees who are required to report
3 child abuse or neglect under the Abused and Neglected Child
4 Reporting Act shall be required to attend training on
5 recognizing child abuse and neglect, as prescribed by
6 Department rules;

7 (3) The general financial ability and competence of the
8 applicant to provide necessary care for children and to
9 maintain prescribed standards;

10 (4) The number of individuals or staff required to
11 insure adequate supervision and care of the children
12 received. The standards shall provide that each child care
13 institution, maternity center, day care center, group
14 home, day care home, and group day care home shall have on
15 its premises during its hours of operation at least one
16 staff member certified in first aid, in the Heimlich
17 maneuver and in cardiopulmonary resuscitation by the
18 American Red Cross or other organization approved by rule
19 of the Department. Child welfare agencies shall not be
20 subject to such a staffing requirement. The Department may
21 offer, or arrange for the offering, on a periodic basis in
22 each community in this State in cooperation with the
23 American Red Cross, the American Heart Association or other
24 appropriate organization, voluntary programs to train
25 operators of foster family homes and day care homes in
26 first aid and cardiopulmonary resuscitation;

1 (5) The appropriateness, safety, cleanliness and
2 general adequacy of the premises, including maintenance of
3 adequate fire prevention and health standards conforming
4 to State laws and municipal codes to provide for the
5 physical comfort, care and well-being of children
6 received;

7 (6) Provisions for food, clothing, educational
8 opportunities, program, equipment and individual supplies
9 to assure the healthy physical, mental and spiritual
10 development of children served;

11 (7) Provisions to safeguard the legal rights of
12 children served;

13 (8) Maintenance of records pertaining to the
14 admission, progress, health and discharge of children,
15 including, for day care centers and day care homes, records
16 indicating each child has been immunized as required by
17 State regulations. The Department shall require proof that
18 children enrolled in a facility have been immunized against
19 Haemophilus Influenzae B (HIB);

20 (9) Filing of reports with the Department;

21 (10) Discipline of children;

22 (11) Protection and fostering of the particular
23 religious faith of the children served;

24 (12) Provisions prohibiting firearms on day care
25 center premises except in the possession of peace officers;

26 (13) Provisions prohibiting handguns on day care home

1 premises except in the possession of peace officers or
2 other adults who must possess a handgun as a condition of
3 employment and who reside on the premises of a day care
4 home;

5 (14) Provisions requiring that any firearm permitted
6 on day care home premises, except handguns in the
7 possession of peace officers, shall be kept in a
8 disassembled state, without ammunition, in locked storage,
9 inaccessible to children and that ammunition permitted on
10 day care home premises shall be kept in locked storage
11 separate from that of disassembled firearms, inaccessible
12 to children;

13 (15) Provisions requiring notification of parents or
14 guardians enrolling children at a day care home of the
15 presence in the day care home of any firearms and
16 ammunition and of the arrangements for the separate, locked
17 storage of such firearms and ammunition.

18 (b) If, in a facility for general child care, there are
19 children diagnosed as mentally ill, mentally retarded or
20 physically handicapped, who are determined to be in need of
21 special mental treatment or of nursing care, or both mental
22 treatment and nursing care, the Department shall seek the
23 advice and recommendation of the Department of Human Services,
24 the Department of Public Health, or both Departments regarding
25 the residential treatment and nursing care provided by the
26 institution.

1 (c) The Department shall investigate any person applying to
2 be licensed as a foster parent to determine whether there is
3 any evidence of current drug or alcohol abuse in the
4 prospective foster family. The Department shall not license a
5 person as a foster parent if drug or alcohol abuse has been
6 identified in the foster family or if a reasonable suspicion of
7 such abuse exists, except that the Department may grant a
8 foster parent license to an applicant identified with an
9 alcohol or drug problem if the applicant has successfully
10 participated in an alcohol or drug treatment program, self-help
11 group, or other suitable activities.

12 (d) The Department, in applying standards prescribed and
13 published, as herein provided, shall offer consultation
14 through employed staff or other qualified persons to assist
15 applicants and licensees in meeting and maintaining minimum
16 requirements for a license and to help them otherwise to
17 achieve programs of excellence related to the care of children
18 served. Such consultation shall include providing information
19 concerning education and training in early childhood
20 development to providers of day care home services. The
21 Department may provide or arrange for such education and
22 training for those providers who request such assistance.

23 (e) The Department shall distribute copies of licensing
24 standards to all licensees and applicants for a license. Each
25 licensee or holder of a permit shall distribute copies of the
26 appropriate licensing standards and any other information

1 required by the Department to child care facilities under its
2 supervision. Each licensee or holder of a permit shall maintain
3 appropriate documentation of the distribution of the
4 standards. Such documentation shall be part of the records of
5 the facility and subject to inspection by authorized
6 representatives of the Department.

7 (f) The Department shall prepare summaries of day care
8 licensing standards. Each licensee or holder of a permit for a
9 day care facility shall distribute a copy of the appropriate
10 summary and any other information required by the Department,
11 to the legal guardian of each child cared for in that facility
12 at the time when the child is enrolled or initially placed in
13 the facility. The licensee or holder of a permit for a day care
14 facility shall secure appropriate documentation of the
15 distribution of the summary and brochure. Such documentation
16 shall be a part of the records of the facility and subject to
17 inspection by an authorized representative of the Department.

18 (g) The Department shall distribute to each licensee and
19 holder of a permit copies of the licensing or permit standards
20 applicable to such person's facility. Each licensee or holder
21 of a permit shall make available by posting at all times in a
22 common or otherwise accessible area a complete and current set
23 of licensing standards in order that all employees of the
24 facility may have unrestricted access to such standards. All
25 employees of the facility shall have reviewed the standards and
26 any subsequent changes. Each licensee or holder of a permit

1 shall maintain appropriate documentation of the current review
2 of licensing standards by all employees. Such records shall be
3 part of the records of the facility and subject to inspection
4 by authorized representatives of the Department.

5 (h) Any standards involving physical examinations,
6 immunization, or medical treatment shall include appropriate
7 exemptions for children whose parents object thereto on the
8 grounds that they conflict with the tenets and practices of a
9 recognized church or religious organization, of which the
10 parent is an adherent or member, and for children who should
11 not be subjected to immunization for clinical reasons.

12 (i) The Department, in cooperation with the Department of
13 Human Services, shall work to increase immunization awareness
14 and participation among parents of children enrolled in day
15 care centers and day care homes by publishing on the
16 Department's website information about the benefits of annual
17 immunization against influenza for children 6 months of age to
18 5 years of age. The Department shall work with day care centers
19 and day care homes licensed under this Act to ensure that the
20 information is annually distributed to parents in August or
21 September.

22 (Source: P.A. 94-586, eff. 8-15-05.)

23 Section 99. Effective date. This Act takes effect upon
24 becoming law.