

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 Children and Family Services Act is amended
5 by changing Section 35.1 as follows:

6 (20 ILCS 505/35.1) (from Ch. 23, par. 5035.1)

7 Sec. 35.1. The case and clinical records of patients in
8 Department supervised facilities, wards of the Department,
9 children receiving or applying for child welfare services,
10 persons receiving or applying for other services of the
11 Department, and Department reports of injury or abuse to
12 children shall not be open to the general public. Such case and
13 clinical records and reports or the information contained
14 therein shall be disclosed by the Director of the Department to
15 juvenile authorities when necessary for the discharge of their
16 official duties who request information concerning the minor
17 and who certify in writing that the information will not be
18 disclosed to any other party except as provided under law or
19 order of court. For purposes of this Section, "juvenile
20 authorities" means: (i) a judge of the circuit court and
21 members of the staff of the court designated by the judge; (ii)
22 parties to the proceedings under the Juvenile Court Act of 1987
23 and their attorneys; (iii) probation officers and court

1 appointed advocates for the juvenile authorized by the judge
2 hearing the case; (iv) any individual, public or private agency
3 having custody of the child pursuant to court order or pursuant
4 to placement of the child by the Department; (v) any
5 individual, public or private agency providing education,
6 medical or mental health service to the child when the
7 requested information is needed to determine the appropriate
8 service or treatment for the minor; (vi) any potential
9 placement provider when such release is authorized by the court
10 for the limited purpose of determining the appropriateness of
11 the potential placement; (vii) law enforcement officers and
12 prosecutors; (viii) adult and juvenile prisoner review boards;
13 (ix) authorized military personnel; (x) individuals authorized
14 by court; (xi) the Illinois General Assembly or any committee
15 or commission thereof. This Section does not apply to the
16 Department's fiscal records, other records of a purely
17 administrative nature, or any forms, documents or other records
18 required of facilities subject to licensure by the Department
19 except as may otherwise be provided under the Child Care Act of
20 1969, except that, upon request, a guardian ad litem or
21 attorney appointed to represent a child who is the subject of
22 an action pursuant to Article II of the Juvenile Court Act of
23 1987 may obtain a copy of foster home licensing records,
24 including all information related to licensing complaints and
25 investigations, regarding a home in which the child is placed
26 or regarding a home in which the Department plans to place the

1 child. Any information contained in foster home licensing
2 records that is protected from disclosure by federal or State
3 law may be obtained only in compliance with that law. Nothing
4 in this Section restricts the authority of a court to order
5 release of licensing records for purposes of discovery or as
6 otherwise authorized by law.

7 Nothing contained in this Act prevents the sharing or
8 disclosure of information or records relating or pertaining to
9 juveniles subject to the provisions of the Serious Habitual
10 Offender Comprehensive Action Program when that information is
11 used to assist in the early identification and treatment of
12 habitual juvenile offenders.

13 Nothing contained in this Act prevents the sharing or
14 disclosure of information or records relating or pertaining to
15 the death of a minor under the care of or receiving services
16 from the Department and under the jurisdiction of the juvenile
17 court with the juvenile court, the State's Attorney, and the
18 minor's attorney.

19 Nothing contained in this Section prohibits or prevents any
20 individual dealing with or providing services to a minor from
21 sharing information with another individual dealing with or
22 providing services to a minor for the purpose of coordinating
23 efforts on behalf of the minor. The sharing of such information
24 is only for the purpose stated herein and is to be consistent
25 with the intent and purpose of the confidentiality provisions
26 of the Juvenile Court Act of 1987. This provision does not

1 abrogate any recognized privilege. Sharing information does
2 not include copying of records, reports or case files unless
3 authorized herein.

4 Nothing in this Section prohibits or prevents the
5 re-disclosure of records, reports, or other information that
6 reveals malfeasance or nonfeasance on the part of the
7 Department, its employees, or its agents. Nothing in this
8 Section prohibits or prevents the Department or a party in a
9 proceeding under the Juvenile Court Act of 1987 from copying
10 records, reports, or case files for the purpose of sharing
11 those documents with other parties to the litigation.

12 (Source: P.A. 94-1010, eff. 10-1-06.)

13 Section 10. The Child Care Act of 1969 is amended by
14 changing Sections 4, 6, and 7 and by adding Section 2.22a as
15 follows:

16 (225 ILCS 10/2.22a new)

17 Sec. 2.22a. Quality of care concerns applicant. "Quality of
18 care concerns applicant" means an applicant for a foster care
19 license or renewal of a foster care license where the applicant
20 or any person living in the applicant's household:

21 (1) has had a license issued under this Act revoked;

22 (2) has surrendered a license issued under this Act for
23 cause;

24 (3) has had a license issued under this Act expire or

1 has surrendered a license, while either an abuse or neglect
2 investigation or licensing investigation was pending or an
3 involuntary placement hold was placed on the home;

4 (4) has been the subject of allegations of abuse or
5 neglect;

6 (5) has an indicated report of abuse or neglect; or

7 (6) has been the subject of certain types of
8 involuntary placement holds or has been involved in certain
9 types of substantiated licensing complaints, as specified
10 and defined by Department rule.

11 (225 ILCS 10/4) (from Ch. 23, par. 2214)

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

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

22 (a-5) Any agency, person, group of persons, association,
23 organization, corporation, institution, center, or group
24 providing adoption services must be licensed by the Department
25 as a child welfare agency as defined in Section 2.08 of this

1 Act. "Providing adoption services" as used in this Act,
2 includes facilitating or engaging in adoption services.

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

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

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

22 Notwithstanding the provisions of this subsection (b-5),
23 the Department may make an exception and issue a foster family
24 license to a quality of care concerns applicant if the
25 Department is satisfied that the foster family home does not
26 pose a risk to children and that the foster family will be able

1 to meet the physical and emotional needs of children. In making
2 this determination, the Department must obtain and carefully
3 review all relevant documents and shall obtain consultation
4 from its Clinical Division as appropriate and as prescribed by
5 Department rule and procedure. The Department has the authority
6 to deny a preliminary application based on the record of
7 quality of care concerns of the foster family home. In the
8 alternative, the Department may (i) approve the preliminary
9 application, (ii) approve the preliminary application subject
10 to obtaining additional information or assessments, or (iii)
11 approve the preliminary application for purposes of placing a
12 particular child or children only in the foster family home. If
13 the Department approves a preliminary application, the foster
14 family shall submit an application for licensure as described
15 in subsection (b) of this Section. The Department shall notify
16 the quality of care concerns applicant of its decision and the
17 basis for its decision in writing.

18 (c) The Department shall notify the public when a child
19 care institution, maternity center, or group home licensed by
20 the Department undergoes a change in (i) the range of care or
21 services offered at the facility, (ii) the age or type of
22 children served, or (iii) the area within the facility used by
23 children. The Department shall notify the public of the change
24 in a newspaper of general circulation in the county or
25 municipality in which the applicant's facility is or is
26 proposed to be located.

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

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

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

16 (Source: P.A. 98-804, eff. 1-1-15.)

17 (225 ILCS 10/6) (from Ch. 23, par. 2216)

18 Sec. 6. (a) A licensed facility operating as a "child care
19 institution", "maternity center", "child welfare agency", "day
20 care agency" or "day care center" must apply for renewal of its
21 license held, the application to be made to the Department on
22 forms prescribed by it.

23 (b) The Department, a duly licensed child welfare agency or
24 a suitable agency or person designated by the Department as its
25 agent to do so, must re-examine every child care facility for

1 renewal of license, including in that process the examination
2 of the premises and records of the facility as the Department
3 considers necessary to determine that minimum standards for
4 licensing continue to be met, and random surveys of parents or
5 legal guardians who are consumers of such facilities' services
6 to assess the quality of care at such facilities. In the case
7 of foster family homes, or day care homes under the supervision
8 of or otherwise required to be licensed by the Department, or
9 under supervision of a licensed child welfare agency or day
10 care agency, the examination shall be made by the Department,
11 or agency supervising such homes. If the Department is
12 satisfied that the facility continues to maintain minimum
13 standards which it prescribes and publishes, it shall renew the
14 license to operate the facility.

15 (b-5) In the case of a quality of care concerns applicant
16 as defined in Section 2.22a of this Act, in addition to the
17 examination required in subsection (b) of this Section, the
18 Department shall not renew the license of a quality of care
19 concerns applicant unless the Department is satisfied that the
20 foster family home does not pose a risk to children and that
21 the foster family home will be able to meet the physical and
22 emotional needs of children. In making this determination, the
23 Department must obtain and carefully review all relevant
24 documents and shall obtain consultation from its Clinical
25 Division as appropriate and as prescribed by Department rule
26 and procedure. The Department has the authority to deny an

1 application for renewal based on a record of quality of care
2 concerns. In the alternative, the Department may (i) approve
3 the application for renewal subject to obtaining additional
4 information or assessments, (ii) approve the application for
5 renewal for purposes of placing or maintaining only a
6 particular child or children only in the foster home, or (iii)
7 approve the application for renewal. The Department shall
8 notify the quality of care concerns applicant of its decision
9 and the basis for its decision in writing.

10 (c) If a child care facility's license, other than a
11 license for a foster family home, is revoked, or if the
12 Department refuses to renew a facility's license, the facility
13 may not reapply for a license before the expiration of 12
14 months following the Department's action; provided, however,
15 that the denial of a reapplication for a license pursuant to
16 this subsection must be supported by evidence that the prior
17 revocation renders the applicant unqualified or incapable of
18 satisfying the standards and rules promulgated by the
19 Department pursuant to this Act or maintaining a facility which
20 adheres to such standards and rules.

21 (d) If a foster family home license (i) is revoked, (ii) is
22 surrendered for cause, or (iii) expires or is surrendered with
23 either certain types of involuntary placement holds in place or
24 while a licensing or child abuse or neglect investigation is
25 pending, or if the Department refuses to renew a foster home
26 license, the foster home may not reapply for a license before

1 the expiration of 5 years following the Department's action or
2 following the expiration or surrender of the license.

3 (Source: P.A. 86-554.)

4 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

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

20 (2) The character, suitability and qualifications of
21 the applicant and other persons directly responsible for
22 the care and welfare of children served. All child day care
23 center licensees and employees who are required to report
24 child abuse or neglect under the Abused and Neglected Child
25 Reporting Act shall be required to attend training on

1 recognizing child abuse and neglect, as prescribed by
2 Department rules;

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

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

23 (5) The appropriateness, safety, cleanliness and
24 general adequacy of the premises, including maintenance of
25 adequate fire prevention and health standards conforming
26 to State laws and municipal codes to provide for the

1 physical comfort, care and well-being of children
2 received;

3 (6) Provisions for food, clothing, educational
4 opportunities, program, equipment and individual supplies
5 to assure the healthy physical, mental and spiritual
6 development of children served;

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

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

16 (9) Filing of reports with the Department;

17 (10) Discipline of children;

18 (11) Protection and fostering of the particular
19 religious faith of the children served;

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

22 (13) Provisions prohibiting handguns on day care home
23 premises except in the possession of peace officers or
24 other adults who must possess a handgun as a condition of
25 employment and who reside on the premises of a day care
26 home;

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

9 (15) Provisions requiring notification of parents or
10 guardians enrolling children at a day care home of the
11 presence in the day care home of any firearms and
12 ammunition and of the arrangements for the separate, locked
13 storage of such firearms and ammunition; and

14 (16) Provisions requiring all licensed child care
15 facility employees who care for newborns and infants to
16 complete training every 3 years on the nature of sudden
17 unexpected infant death (SUID), sudden infant death
18 syndrome (SIDS), and the safe sleep recommendations of the
19 American Academy of Pediatrics.

20 (17) With respect to foster family homes, provisions
21 requiring the Department to review quality of care concerns
22 and to consider those concerns in determining whether a
23 foster family home is qualified to care for children.

24 (b) If, in a facility for general child care, there are
25 children diagnosed as mentally ill or children diagnosed as
26 having an intellectual or physical disability, who are

1 determined to be in need of special mental treatment or of
2 nursing care, or both mental treatment and nursing care, the
3 Department shall seek the advice and recommendation of the
4 Department of Human Services, the Department of Public Health,
5 or both Departments regarding the residential treatment and
6 nursing care provided by the institution.

7 (c) The Department shall investigate any person applying to
8 be licensed as a foster parent to determine whether there is
9 any evidence of current drug or alcohol abuse in the
10 prospective foster family. The Department shall not license a
11 person as a foster parent if drug or alcohol abuse has been
12 identified in the foster family or if a reasonable suspicion of
13 such abuse exists, except that the Department may grant a
14 foster parent license to an applicant identified with an
15 alcohol or drug problem if the applicant has successfully
16 participated in an alcohol or drug treatment program, self-help
17 group, or other suitable activities and if the Department
18 determines that the foster family home can provide a safe,
19 appropriate environment and meet the physical and emotional
20 needs of children.

21 (d) The Department, in applying standards prescribed and
22 published, as herein provided, shall offer consultation
23 through employed staff or other qualified persons to assist
24 applicants and licensees in meeting and maintaining minimum
25 requirements for a license and to help them otherwise to
26 achieve programs of excellence related to the care of children

1 served. Such consultation shall include providing information
2 concerning education and training in early childhood
3 development to providers of day care home services. The
4 Department may provide or arrange for such education and
5 training for those providers who request such assistance.

6 (e) The Department shall distribute copies of licensing
7 standards to all licensees and applicants for a license. Each
8 licensee or holder of a permit shall distribute copies of the
9 appropriate licensing standards and any other information
10 required by the Department to child care facilities under its
11 supervision. Each licensee or holder of a permit shall maintain
12 appropriate documentation of the distribution of the
13 standards. Such documentation shall be part of the records of
14 the facility and subject to inspection by authorized
15 representatives of the Department.

16 (f) The Department shall prepare summaries of day care
17 licensing standards. Each licensee or holder of a permit for a
18 day care facility shall distribute a copy of the appropriate
19 summary and any other information required by the Department,
20 to the legal guardian of each child cared for in that facility
21 at the time when the child is enrolled or initially placed in
22 the facility. The licensee or holder of a permit for a day care
23 facility shall secure appropriate documentation of the
24 distribution of the summary and brochure. Such documentation
25 shall be a part of the records of the facility and subject to
26 inspection by an authorized representative of the Department.

1 (g) The Department shall distribute to each licensee and
2 holder of a permit copies of the licensing or permit standards
3 applicable to such person's facility. Each licensee or holder
4 of a permit shall make available by posting at all times in a
5 common or otherwise accessible area a complete and current set
6 of licensing standards in order that all employees of the
7 facility may have unrestricted access to such standards. All
8 employees of the facility shall have reviewed the standards and
9 any subsequent changes. Each licensee or holder of a permit
10 shall maintain appropriate documentation of the current review
11 of licensing standards by all employees. Such records shall be
12 part of the records of the facility and subject to inspection
13 by authorized representatives of the Department.

14 (h) Any standards involving physical examinations,
15 immunization, or medical treatment shall include appropriate
16 exemptions for children whose parents object thereto on the
17 grounds that they conflict with the tenets and practices of a
18 recognized church or religious organization, of which the
19 parent is an adherent or member, and for children who should
20 not be subjected to immunization for clinical reasons.

21 (i) The Department, in cooperation with the Department of
22 Public Health, shall work to increase immunization awareness
23 and participation among parents of children enrolled in day
24 care centers and day care homes by publishing on the
25 Department's website information about the benefits of
26 immunization against vaccine preventable diseases, including

1 influenza and pertussis. The information for vaccine
2 preventable diseases shall include the incidence and severity
3 of the diseases, the availability of vaccines, and the
4 importance of immunizing children and persons who frequently
5 have close contact with children. The website content shall be
6 reviewed annually in collaboration with the Department of
7 Public Health to reflect the most current recommendations of
8 the Advisory Committee on Immunization Practices (ACIP). The
9 Department shall work with day care centers and day care homes
10 licensed under this Act to ensure that the information is
11 annually distributed to parents in August or September.

12 (j) Any standard adopted by the Department that requires an
13 applicant for a license to operate a day care home to include a
14 copy of a high school diploma or equivalent certificate with
15 his or her application shall be deemed to be satisfied if the
16 applicant includes a copy of a high school diploma or
17 equivalent certificate or a copy of a degree from an accredited
18 institution of higher education or vocational institution or
19 equivalent certificate.

20 (Source: P.A. 98-817, eff. 1-1-15; 99-143, eff. 7-27-15.)

21 Section 99. Effective date. This Act takes effect January
22 1, 2017.