



Rep. Litesa E. Wallace

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1 AMENDMENT TO HOUSE BILL 4966

2 AMENDMENT NO. _____. Amend House Bill 4966 by replacing
3 everything after the enacting clause with the following:

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

1 and who certify in writing that the information will not be
2 disclosed to any other party except as provided under law or
3 order of court. For purposes of this Section, "juvenile
4 authorities" means: (i) a judge of the circuit court and
5 members of the staff of the court designated by the judge; (ii)
6 parties to the proceedings under the Juvenile Court Act of 1987
7 and their attorneys; (iii) probation officers and court
8 appointed advocates for the juvenile authorized by the judge
9 hearing the case; (iv) any individual, public or private agency
10 having custody of the child pursuant to court order or pursuant
11 to placement of the child by the Department; (v) any
12 individual, public or private agency providing education,
13 medical or mental health service to the child when the
14 requested information is needed to determine the appropriate
15 service or treatment for the minor; (vi) any potential
16 placement provider when such release is authorized by the court
17 for the limited purpose of determining the appropriateness of
18 the potential placement; (vii) law enforcement officers and
19 prosecutors; (viii) adult and juvenile prisoner review boards;
20 (ix) authorized military personnel; (x) individuals authorized
21 by court; (xi) the Illinois General Assembly or any committee
22 or commission thereof. This Section does not apply to the
23 Department's fiscal records, other records of a purely
24 administrative nature, or any forms, documents or other records
25 required of facilities subject to licensure by the Department
26 except as may otherwise be provided under the Child Care Act of

1 1969, except that, upon request, a guardian ad litem or
2 attorney appointed to represent a child who is the subject of
3 an action pursuant to Article II of the Juvenile Court Act of
4 1987 may obtain a copy of foster home licensing records,
5 including all information related to licensing complaints and
6 investigations, regarding a home in which the child is placed
7 or regarding a home in which the Department plans to place the
8 child. Any information contained in foster home licensing
9 records that is protected from disclosure by federal or State
10 law may be obtained only in compliance with that law. Nothing
11 in this Section restricts the authority of a court to order
12 release of licensing records for purposes of discovery or as
13 otherwise authorized by law.

14 Nothing contained in this Act prevents the sharing or
15 disclosure of information or records relating or pertaining to
16 juveniles subject to the provisions of the Serious Habitual
17 Offender Comprehensive Action Program when that information is
18 used to assist in the early identification and treatment of
19 habitual juvenile offenders.

20 Nothing contained in this Act prevents the sharing or
21 disclosure of information or records relating or pertaining to
22 the death of a minor under the care of or receiving services
23 from the Department and under the jurisdiction of the juvenile
24 court with the juvenile court, the State's Attorney, and the
25 minor's attorney.

26 Nothing contained in this Section prohibits or prevents any

1 individual dealing with or providing services to a minor from
2 sharing information with another individual dealing with or
3 providing services to a minor for the purpose of coordinating
4 efforts on behalf of the minor. The sharing of such information
5 is only for the purpose stated herein and is to be consistent
6 with the intent and purpose of the confidentiality provisions
7 of the Juvenile Court Act of 1987. This provision does not
8 abrogate any recognized privilege. Sharing information does
9 not include copying of records, reports or case files unless
10 authorized herein.

11 Nothing in this Section prohibits or prevents the
12 re-disclosure of records, reports, or other information that
13 reveals malfeasance or nonfeasance on the part of the
14 Department, its employees, or its agents. Nothing in this
15 Section prohibits or prevents the Department or a party in a
16 proceeding under the Juvenile Court Act of 1987 from copying
17 records, reports, or case files for the purpose of sharing
18 those documents with other parties to the litigation.

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

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

23 (225 ILCS 10/2.22a new)

24 Sec. 2.22a. Quality of care concerns applicant. "Quality of

1 care concerns applicant" means an applicant for a foster care
2 license or renewal of a foster care license where the applicant
3 or any person living in the applicant's household:

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

5 (2) has surrendered a license issued under this Act for
6 cause;

7 (3) has had a license issued under this Act expire or
8 has surrendered a license, while either an abuse or neglect
9 investigation or licensing investigation was pending or an
10 involuntary placement hold was placed on the home;

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

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

14 (6) has been the subject of certain types of
15 involuntary placement holds or has been involved in certain
16 types of substantiated licensing complaints, as specified
17 and defined by Department rule.

18 (225 ILCS 10/4) (from Ch. 23, par. 2214)

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

20 (a) Any person, group of persons or corporation who or
21 which receives children or arranges for care or placement of
22 one or more children unrelated to the operator must apply for a
23 license to operate one of the types of facilities defined in
24 Sections 2.05 through 2.19 and in Section 2.22 of this Act. Any
25 relative, as defined in Section 2.17 of this Act, who receives

1 a child or children for placement by the Department on a
2 full-time basis may apply for a license to operate a foster
3 family home as defined in Section 2.17 of this Act.

4 (a-5) Any agency, person, group of persons, association,
5 organization, corporation, institution, center, or group
6 providing adoption services must be licensed by the Department
7 as a child welfare agency as defined in Section 2.08 of this
8 Act. "Providing adoption services" as used in this Act,
9 includes facilitating or engaging in adoption services.

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

25 (b-5) Prior to submitting an application for a foster
26 family home license, a quality of care concerns applicant as

1 defined in Section 2.22a of this Act must submit a preliminary
2 application to the Department in the manner and on forms
3 prescribed by it. The Department shall explain to the quality
4 of care concerns applicant the grounds for requiring a
5 preliminary application. The preliminary application shall
6 include a list of (i) all children placed in the home by the
7 Department who were removed by the Department for reasons other
8 than returning to a parent and the circumstances under which
9 they were removed and (ii) all children placed by the
10 Department who were subsequently adopted by or placed in the
11 private guardianship of the quality of care concerns applicant
12 who are currently under 18 and who no longer reside in the home
13 and the reasons why they no longer reside in the home. The
14 preliminary application shall also include, if the quality of
15 care concerns applicant chooses to submit, (1) a response to
16 the quality of care concerns, including any reason the concerns
17 are invalid, have been addressed or ameliorated, or no longer
18 apply and (2) affirmative documentation demonstrating that the
19 quality of care concerns applicant's home does not pose a risk
20 to children and that the family will be able to meet the
21 physical and emotional needs of children. The Department shall
22 verify the information in the preliminary application and
23 review (i) information regarding any prior licensing
24 complaints, (ii) information regarding any prior child abuse or
25 neglect investigations, and (iii) information regarding any
26 involuntary foster home holds placed on the home by the

1 Department. Foster home applicants with quality of care
2 concerns are presumed unsuitable for future licensure.

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

25 (c) The Department shall notify the public when a child
26 care institution, maternity center, or group home licensed by

1 the Department undergoes a change in (i) the range of care or
2 services offered at the facility, (ii) the age or type of
3 children served, or (iii) the area within the facility used by
4 children. The Department shall notify the public of the change
5 in a newspaper of general circulation in the county or
6 municipality in which the applicant's facility is or is
7 proposed to be located.

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

18 (e) The Department shall not issue or renew the license of
19 any child welfare agency providing adoption services, unless
20 the agency (i) is officially recognized by the United States
21 Internal Revenue Service as a tax-exempt organization
22 described in Section 501(c)(3) of the Internal Revenue Code of
23 1986 (or any successor provision of federal tax law) and (ii)
24 is in compliance with all of the standards necessary to
25 maintain its status as an organization described in Section
26 501(c)(3) of the Internal Revenue Code of 1986 (or any

1 successor provision of federal tax law). The Department shall
2 grant a grace period of 24 months from the effective date of
3 this amendatory Act of the 94th General Assembly for existing
4 child welfare agencies providing adoption services to obtain
5 501(c)(3) status. The Department shall permit an existing child
6 welfare agency that converts from its current structure in
7 order to be recognized as a 501(c)(3) organization as required
8 by this Section to either retain its current license or
9 transfer its current license to a newly formed entity, if the
10 creation of a new entity is required in order to comply with
11 this Section, provided that the child welfare agency
12 demonstrates that it continues to meet all other licensing
13 requirements and that the principal officers and directors and
14 programs of the converted child welfare agency or newly
15 organized child welfare agency are substantially the same as
16 the original. The Department shall have the sole discretion to
17 grant a one year extension to any agency unable to obtain
18 501(c)(3) status within the timeframe specified in this
19 subsection (e), provided that such agency has filed an
20 application for 501(c)(3) status with the Internal Revenue
21 Service within the 2-year timeframe specified in this
22 subsection (e).

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

24 (225 ILCS 10/6) (from Ch. 23, par. 2216)

25 Sec. 6. (a) A licensed facility operating as a "child care

1 institution", "maternity center", "child welfare agency", "day
2 care agency" or "day care center" must apply for renewal of its
3 license held, the application to be made to the Department on
4 forms prescribed by it.

5 (b) The Department, a duly licensed child welfare agency or
6 a suitable agency or person designated by the Department as its
7 agent to do so, must re-examine every child care facility for
8 renewal of license, including in that process the examination
9 of the premises and records of the facility as the Department
10 considers necessary to determine that minimum standards for
11 licensing continue to be met, and random surveys of parents or
12 legal guardians who are consumers of such facilities' services
13 to assess the quality of care at such facilities. In the case
14 of foster family homes, or day care homes under the supervision
15 of or otherwise required to be licensed by the Department, or
16 under supervision of a licensed child welfare agency or day
17 care agency, the examination shall be made by the Department,
18 or agency supervising such homes. If the Department is
19 satisfied that the facility continues to maintain minimum
20 standards which it prescribes and publishes, it shall renew the
21 license to operate the facility.

22 (b-5) In the case of a quality of care concerns applicant
23 as defined in Section 2.22a of this Act, in addition to the
24 examination required in subsection (b) of this Section, the
25 Department shall not renew the license of a quality of care
26 concerns applicant unless the Department is satisfied that the

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

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

1 adheres to such standards and rules.

2 (d) If a foster family home license (i) is revoked, (ii) is
3 surrendered for cause, or (iii) expires or is surrendered with
4 either certain types of involuntary placement holds in place or
5 while a licensing or child abuse or neglect investigation is
6 pending, or if the Department refuses to renew a foster home
7 license, the foster home may not reapply for a license before
8 the expiration of 5 years following the Department's action or
9 following the expiration or surrender of the license.

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

11 (225 ILCS 10/7) (from Ch. 23, par. 2217)

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

25 (1) The operation and conduct of the facility and

1 responsibility it assumes for child care;

2 (2) The character, suitability and qualifications of
3 the applicant and other persons directly responsible for
4 the care and welfare of children served. All child day care
5 center licensees and employees who are required to report
6 child abuse or neglect under the Abused and Neglected Child
7 Reporting Act shall be required to attend training on
8 recognizing child abuse and neglect, as prescribed by
9 Department rules;

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

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

1 appropriate organization, voluntary programs to train
2 operators of foster family homes and day care homes in
3 first aid and cardiopulmonary resuscitation;

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

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

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

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

23 (9) Filing of reports with the Department;

24 (10) Discipline of children;

25 (11) Protection and fostering of the particular
26 religious faith of the children served;

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

3 (13) Provisions prohibiting handguns on day care home
4 premises except in the possession of peace officers or
5 other adults who must possess a handgun as a condition of
6 employment and who reside on the premises of a day care
7 home;

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

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

21 (16) Provisions requiring all licensed child care
22 facility employees who care for newborns and infants to
23 complete training every 3 years on the nature of sudden
24 unexpected infant death (SUID), sudden infant death
25 syndrome (SIDS), and the safe sleep recommendations of the
26 American Academy of Pediatrics.

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

5 (b) If, in a facility for general child care, there are
6 children diagnosed as mentally ill or children diagnosed as
7 having an intellectual or physical disability, who are
8 determined to be in need of special mental treatment or of
9 nursing care, or both mental treatment and nursing care, the
10 Department shall seek the advice and recommendation of the
11 Department of Human Services, the Department of Public Health,
12 or both Departments regarding the residential treatment and
13 nursing care provided by the institution.

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

1 needs of children.

2 (d) The Department, in applying standards prescribed and
3 published, as herein provided, shall offer consultation
4 through employed staff or other qualified persons to assist
5 applicants and licensees in meeting and maintaining minimum
6 requirements for a license and to help them otherwise to
7 achieve programs of excellence related to the care of children
8 served. Such consultation shall include providing information
9 concerning education and training in early childhood
10 development to providers of day care home services. The
11 Department may provide or arrange for such education and
12 training for those providers who request such assistance.

13 (e) The Department shall distribute copies of licensing
14 standards to all licensees and applicants for a license. Each
15 licensee or holder of a permit shall distribute copies of the
16 appropriate licensing standards and any other information
17 required by the Department to child care facilities under its
18 supervision. Each licensee or holder of a permit shall maintain
19 appropriate documentation of the distribution of the
20 standards. Such documentation shall be part of the records of
21 the facility and subject to inspection by authorized
22 representatives of the Department.

23 (f) The Department shall prepare summaries of day care
24 licensing standards. Each licensee or holder of a permit for a
25 day care facility shall distribute a copy of the appropriate
26 summary and any other information required by the Department,

1 to the legal guardian of each child cared for in that facility
2 at the time when the child is enrolled or initially placed in
3 the facility. The licensee or holder of a permit for a day care
4 facility shall secure appropriate documentation of the
5 distribution of the summary and brochure. Such documentation
6 shall be a part of the records of the facility and subject to
7 inspection by an authorized representative of the Department.

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

21 (h) Any standards involving physical examinations,
22 immunization, or medical treatment shall include appropriate
23 exemptions for children whose parents object thereto on the
24 grounds that they conflict with the tenets and practices of a
25 recognized church or religious organization, of which the
26 parent is an adherent or member, and for children who should

1 not be subjected to immunization for clinical reasons.

2 (i) The Department, in cooperation with the Department of
3 Public Health, shall work to increase immunization awareness
4 and participation among parents of children enrolled in day
5 care centers and day care homes by publishing on the
6 Department's website information about the benefits of
7 immunization against vaccine preventable diseases, including
8 influenza and pertussis. The information for vaccine
9 preventable diseases shall include the incidence and severity
10 of the diseases, the availability of vaccines, and the
11 importance of immunizing children and persons who frequently
12 have close contact with children. The website content shall be
13 reviewed annually in collaboration with the Department of
14 Public Health to reflect the most current recommendations of
15 the Advisory Committee on Immunization Practices (ACIP). The
16 Department shall work with day care centers and day care homes
17 licensed under this Act to ensure that the information is
18 annually distributed to parents in August or September.

19 (j) Any standard adopted by the Department that requires an
20 applicant for a license to operate a day care home to include a
21 copy of a high school diploma or equivalent certificate with
22 his or her application shall be deemed to be satisfied if the
23 applicant includes a copy of a high school diploma or
24 equivalent certificate or a copy of a degree from an accredited
25 institution of higher education or vocational institution or
26 equivalent certificate.

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

2 Section 99. Effective date. This Act takes effect January
3 1, 2017.".